

Filed for intro on 02/13/97
SENATE BILL 1379 By
Gilbert

HOUSE BILL 1044
By Ritchie

AN ACT to amend Tennessee Code Annotated, Title 28, Chapter 3, Part 2, relative to limitations on actions for defective improvement of real estate.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 28-3-201, is amended by deleting subdivision (2) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 28-3-202, is amended by deleting the language "substantial completion of such improvement" and by substituting instead the language "the improvement was made or after title passed to the owner of the property on which the improvement was made, whichever is longer".

SECTION 3. Tennessee Code Annotated, Title 28, Chapter 3, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. If the deficiency complained of with respect to the activities of those contractors specified in §28-3-202(1) is due to settling of an improvement whether caused by construction of the improvement on a sinkhole, or on fill material or caused by improper compaction of soil, or improper foundation, and if the injury to property and/or person is not discovered until more than four (4) years after the improvement was made by those specified in §28-3-202, or title passed to the owner of the property bringing the action for damages, all actions to recover damages shall be brought within one (1) year after discovery of the defect, but no longer than eight (8) years after the improvement

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was made or when title passed to the owner of the property on which the improvement was made, whichever is longer.

SECTION 3. Tennessee Code Annotated, Section 28-3-203, is amended by deleting the language “such substantial completion”, and by substituting instead the language “date improvement was completed or when title passed to the owner of the property on which the improvement was made, whichever is longer.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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